

CHAPTER 1 INTRODUCTION

1-1. Purpose. This pamphlet provides information on public participation in the Defense Environmental Restoration Program (DERP) for Formerly Used Defense Sites (FUDS) through discussion of procedures for the establishment and maintenance of public involvement programs, Restoration Advisory Boards (RABs), and Administrative Records. The information presented herein complements the information provided in chapter 8 of the proposed ER 200-3-1.

1-2. Applicability. This pamphlet applies to all Headquarters, U.S. Army Corps of Engineers (HQUSACE) elements and all U.S. Army Corps of Engineers (USACE) Commands having responsibility for performing hazardous, toxic, and radioactive waste (HTRW) response actions and military munitions response (MMR) actions at FUDS properties. Although specifically written as guidance for managing the public participation process in relation to the USACE FUDS program, the pamphlet may also be used as a guide when USACE has responsibility to comply with the public participation process in relation to the Installation Restoration, Base Realignment and Closure, and Work for Others programs and other environmental restoration projects requiring public involvement.

1-3. Distribution Statement. Approved for public release; distribution is unlimited.

1-4. References. References are at appendix A.

1-5. Explanation of Acronyms. Acronyms used in this document are explained in the glossary.

1-6. Background.

a. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) is the law, passed by Congress in 1980, which authorized the government to respond directly to releases, or threatened releases, of hazardous substances that may endanger public health, welfare, or the environment. In 1986, Congress passed amendments to CERCLA, entitled Superfund Amendment and Reauthorization Act (SARA). SARA authorized DERP under 10 United States Code (USC) 2701 et. seq. The FUDS component of DERP is managed and executed by USACE under authority delegated by the Department of Defense (DOD) through the Department of the Army (DA). SARA called for increased public participation during all phases of response actions and required the establishment of information repositories and Administrative Records for each remedial or removal response action. Under DERP, DOD issued policy for establishing RABs to review and comment on environmental restoration activities being conducted at military installations and FUDS properties. In 1996, Congress authorized DOD to obtain technical assistance to help RAB members and Technical Review Committees (TRCs) better understand the scientific and engineering issues underlying environmental restoration activities. In response to this authority, DOD has finalized the

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Technical Assistance for Public Participation (TAPP) program, thereby providing an avenue whereby community members of RABs can obtain technical assistance.

b. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) is the Environmental Protection Agency (EPA) regulation which implemented CERCLA. The NCP provides detailed requirements for community involvement in all phases of environmental response actions. Further, the NCP established procedures and requirements for establishing and maintaining Administrative Records.

c. The statutory and regulatory authority and policy guidance indicated in paragraphs a and b above are the basis for the establishment and maintenance of public involvement programs, RABs, and Administrative Records as discussed in chapters 2, 3, and 4, respectively, of this pamphlet.